

ASSEMBLY BILL

No. 1311

Introduced by Assembly Member Tran

February 27, 2009

An act to amend Section 11125.4 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1311, as introduced, Tran. Public meetings: special meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and all persons be permitted to attend. The act requires the body to provide notice and an agenda of a regular meeting at least 10 days in advance of the meeting but authorizes the calling of a special meeting for specified purposes when compliance with the 10-day notice would impose a substantial hardship on the state body or when immediate action is required to protect the public interest.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11125.4 of the Government Code is
- 2 amended to read:
- 3 11125.4. (a) A special meeting may be called at any time by
- 4 the presiding officer of the state body or by a majority of the
- 5 members of the state body. A special meeting may only be called
- 6 for one of the following purposes when compliance with the 10-day

1 notice provisions of Section 11125 would impose a substantial
2 hardship on the state body or when immediate action is required
3 to protect the public interest:

4 (1) To consider “pending litigation” as that term is defined in
5 subdivision (e) of Section 11126.

6 (2) To consider proposed legislation.

7 (3) To consider issuance of a legal opinion.

8 (4) To consider disciplinary action involving a state officer or
9 employee.

10 (5) To consider the purchase, sale, exchange, or lease of real
11 property.

12 (6) To consider license examinations and applications.

13 (7) To consider an action on a loan or grant provided pursuant
14 to Division 31 (commencing with Section 50000) of the Health
15 and Safety Code.

16 (8) To consider its response to a confidential final draft audit
17 report as permitted by Section 11126.2.

18 (9) To provide for an interim executive officer of a state body
19 upon the death, incapacity, or vacancy in the office of the executive
20 officer.

21 (b) When a special meeting is called pursuant to one of the
22 purposes specified in subdivision (a), the state body shall provide
23 notice of the special meeting to each member of the state body and
24 to all parties that have requested notice of its meetings as soon as
25 is practicable after the decision to call a special meeting has been
26 made, but shall deliver the notice in a manner that allows it to be
27 received by the members and by newspapers of general circulation
28 and radio or television stations at least 48 hours before the time
29 of the special meeting specified in the notice. Notice shall be made
30 available to newspapers of general circulation and radio or
31 television stations by providing that notice to all national press
32 wire services. Notice shall also be made available on the Internet
33 within the time periods required by this section. The notice shall
34 specify the time and place of the special meeting and the business
35 to be transacted. The written notice shall additionally specify the
36 address of the Internet Web site where notices required by this
37 article are made available. No other business shall be considered
38 at a special meeting by the state body. The written notice may be
39 dispensed with as to any member who at or prior to the time the
40 meeting convenes files with the clerk or secretary of the state body

1 a written waiver of notice. The waiver may be given by telegram,
2 facsimile transmission, or similar means. The written notice may
3 also be dispensed with as to any member who is actually present
4 at the meeting at the time it convenes. Notice shall be required
5 pursuant to this section regardless of whether any action is taken
6 at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 ~~must~~ *shall* make a finding in open session that the delay
9 necessitated by providing notice 10 days prior to a meeting as
10 required by Section 11125 would cause a substantial hardship on
11 the body or that immediate action is required to protect the public
12 interest. The finding shall set forth the specific facts that constitute
13 the hardship to the body or the impending harm to the public
14 interest. The finding shall be adopted by a two-thirds vote of the
15 body, or, if less than two-thirds of the members are present, a
16 unanimous vote of those members present. The finding shall be
17 made available on the Internet. Failure to adopt the finding
18 terminates the meeting.